

TO: State of Alaska, Local Boundary Commission
Homer Annexation Remand

FROM: Alaskans Opposed to Annexation – Doris Cabana

DATE: June 21, 2004

RE: Local Boundary Commission
Department of Community & Economic Development
550 West 7th Avenue, Suite 1770
Anchorage, Alaska 99501-3510
Fax: 1-907-269-4539
E-mail: Dan.Backhorst@dced.AK.US.State.
E-Mail on Remand: questions@dced.state.ak.us.
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Homer Annexation Remand

THOUGHTS, IDEAS, ACCOMPLISHMENTS

Greater Katchemak Volunteer Fire Emergency

KESA – was a thought of Doris Cabana and Dr. Vi Jerrel before annexation. We both have long ties with the surrounding area around Homer. I'm an American first, an Alaskan second, having my first child in Seward, Alaska, fifty years ago in 1954 and my last in Homer in 1961.

Example: It was our IDEA to try to protect and named the "Gateway to Homer" others use today, like the Sterling scenic Gateway to Homer. KESA – It was our accomplishment to try to start a fire service, KESA, in the outlying areas of Homer. We rented the Katchemak City Community hall after talking to Kenai Borough officials to see about how to petition the Kenai Peninsula Borough to have a special election to see if the public wanted a fire service around the city of Homer. In doing so, the KPB sent Ed Oberts, Assistant to Mayor Bagley, down to help us with information and get it started.

It started under Greater Katchemak Volunteer Fire and Emergency Medical Service area and provided for an elected board. See Ordinance 2000-29 certified petition on May 1, 2000. The petition contained 216 valid signatures representing 29.5% of the voter turnout in the October, 1999, Kenai Peninsula Borough Regular Election.

The Mayor's report was submitted to the Assembly at the June 6, 2000, meeting, indicated creating a new service area.

On June 28, 2000, the assembly conducted a public hearing on the proposed service area as required by borough code under the petition method of forming new service areas. Discussion included boundaries of the service area and how to provide services, including possibly working with the City of Homer Fire Department, seeing that over half the volunteers were from outside the Homer City limits.

The KPB finance department provided financial information at the July 18, 2000, assembly meeting, a maximum mill rate of 1.75 mills, a plan for approval to assembly on how services will be provided in the service area in addition to the budget.

The ordinance creates the service area subject to voter approval and authorizes a special by mail election for voter approval to exercise the powers and simultaneously electing the service area board.

The Borough Assembly amended and postponed until 8/15/00 – 8 yes, 0-no, 1-absent.

Section 1, Title 16 of the Kenai Peninsula Borough Code of Ordinances is amended by adding a new chapter 16.20 which reads as follows:

Ordinance 2000-29 Chapter 16.20 Greater Katchemak Volunteer Fire and Emergency. Later amended to KESA – Katchemak Emergency Service Area in future known as KESA.

After it was a fact we backed off and let others of the public be involved because we had other “Thoughts, Ideas, and Accomplishments” to do.

We also started CCAA and handed it over to others to get the public involved. Alaskans Opposed to Annexation to involve others, and trying to protect having more pollution in the “Gateway to Homer” by taking the Borough to Court in 1999-2000-2001, a land trade involving 20 acres in Anchor Point for 40 acres by the Homer Dump which was at least 80% wetlands with two small streams going into Katchemak Bay & on into Cook Inlet, which never should have been traded in the first place.

We are public litigants trying to protect the public, the environment, public health, and fire service areas. Enclosed are three pages: #1 from the Mayors office from Ed Oberts, #2 to William Papp, Assembly President and members of the KPB Assembly from Ed Oberts, Assistant of Mayor Bagley, #3 KPB Ordinance 2000-29 on KESA.

We claimed all along that the City of Homer cherry picked what would give them the most taxes without much output for those taxed or a vote.

On page 3 of 14 of the Remand (it states) “No member of the Commission as currently constituted was a member of the Commission when the original petition came before it.” On December 8, 2003, the Remand states, Bob Hicks, a current member of the commission had potential conflicts of interest with respect to the remanded amended Homer annexation petition.

We asked during the original to have Allen Teske excused, for working for the City of Homer before but the commission said he could stay and vote against our side. I’d like the Judge and Commission to ask “why” all the former commission was let go if they weren’t bias against our side. This all has to do with the KESA issue.

I sat in the Boundary office during a teleconference with Homer and asked to testify. When I started to testify, I was stopped and was told I believe by the Chair at that time, Kevin Waring,

my testifying wouldn't be fair to Mr. Draftman, City Manager. He was on the teleconference call so I couldn't see why? He could have replied, I was denied my right. The City got away with a lot of things having lawyers on the commission and the public paying to be used against our side of KESA. Like one skipping over the effect cherry picking would have on KESA. If I'd have had the full say, we wouldn't have paid the City to provide the outside area fire service. I believe, we weren't compensated for the entire tax base we lost. I'm not sure of all the figures of 875 people included in city boundary compared to 2,700 or more in outlying area. City claimed 4000 but I believe that's too many at that time.

NOTE: I'm in Michigan with few papers out of boxes of files in Alaska to answer this Remand because my mother died last July and I'm helping settle her affairs plus having a lot of medical problems.

Sincerely,

Doris Cabana
Alaskans Opposed to Annexation
Box 23
Homer, AK 99603
Ph. 907-235-6081
Fax 907-235-1311



Kenai Peninsula Borough
Mayor's Office

144 North Binkley Street
Soldotna, AK 99669
Phone: (907) 262-4441, ext 201
Fax: (907) 262-8616

FAX TRANSMITTAL COVER SHEET

Date: 5/25/04

To: Doris

Fax: 235-1311

Re: KES

Sender: Ed Overts

YOU SHOULD RECEIVE 3 PAGE(S), INCLUDING THIS COVER SHEET. IF YOU DO NOT
RECEIVE ALL THE PAGES, PLEASE CALL: 262-4441 EXT. 201

Borough Clerk Certified petition MAY 1, 2000
Assembly adopted Ord 2000-29 on 8/15/00
creating the Service Area subject to voter
approval.

10/00 Voters approved New Service Area

I have not found the date of the First Large
meeting at Kachemak City Hall.

Ed Overts

page
I

MAY-25-2004 TUE 01:32 PM KPB MAYOR'S OFC

907 262 8616

Memo

P. 02
Page 1 of 1

To: William Popp, Assembly President

Members of the Kenai Peninsula Borough Assembly

Thru: Dale Bagley, Borough Mayor

From: Ed Oberts, Assistant to Mayor Bagley

Date: July 10, 2000

Ordinance 2000-29 creating the proposed service area is in response to the citizen's petition that the Borough Clerks office certified on May 1, 2000. The petition contained 216 valid signatures representing 29.5% of the voter turnout in the October 1999 Kenai Peninsula Borough Regular Election.

The mayor's report to the assembly on the proposed service area was then prepared and submitted to the assembly at the June 6th meeting. The mayors report on the proposed service area outlined the options to the assembly and indicated creating a new service area subject to voter approval would follow the general philosophy which has governed the formation of service areas throughout the borough.

On June 28, 2000 the assembly conducted a public hearing on the proposed service area as required by borough code under the petition method of forming new service areas. The public testimony indicated continued support for forming the service area with a 1 to 2 mill tax rate. Discussions included the boundaries of the service area and how to provide services including possibly working with the City of Homer Fire Department.

Based on the public testimony the petition sponsors with the assistance of the mayor's office and the borough finance department intend to provide financial information at the July 18th assembly meeting.

The ordinance for introduction uses the boundaries as submitted with the petition and includes a maximum mill rate of 1.75 Mills. The ordinance requires the elected board to submit a plan for approval to assembly on how services will be provided in the service area in addition to the budget.

The ordinance creates the service area subject to voter approval and authorizes a special by mail election asking for voter approval to exercise the powers and simultaneously elect the service area board. Current borough code requires the simultaneous election for both the service area powers and the service area board members.

Introduced by: Mayor
Date: 07/18/00
Hearings: 08/01/00 08/15/00
Action: Amended and Postponed until 08/15/00
Action: Enacted as Amended
Date: 08/15/00
Vote: 8 Yea, 0 No, 1 Absent



KENAI PENINSULA BOROUGH

ORDINANCE 2000-29

AN ORDINANCE ESTABLISHING THE GREATER KACHEMAK VOLUNTEER FIRE AND EMERGENCY MEDICAL SERVICE AREA AND PROVIDING FOR AN ELECTED BOARD

WHEREAS, more than 15 percent of the eligible voters who voted in the last regular borough election and within the area comprising the proposed Greater Kachemak Volunteer Fire and Emergency Medical Service Area have by petition requested the establishment of a fire and emergency medical service area district in the area described by the petition; and

WHEREAS, the proposed service area population has increased due to the growth and development in recent years creating an increased need for fire and emergency medical services; and

WHEREAS, the spruce bark beetle infestation has created an even greater fire hazard and adherent need for emergency service within the proposed service area; and

WHEREAS, the fire and emergency medical services in the proposed service area have been historically provided by the Homer Volunteer Fire Department, now known as the Homer Fire Department since 1991, City of Homer; and

WHEREAS, the proposed Greater Kachemak Volunteer Fire and Emergency Medical Service Area is to provide additional resources to meet the needs of the residents of the service area; and

WHEREAS, due to the size of the proposed service area, such services cannot be provided more efficiently or effectively by an existing service area, by annexation to a city, or by incorporation as a city;

WHEREAS, although the service area may eventually employ personnel, it is intended that most services will be provided by volunteer.

NOW, THEREFORE, BE IT ORDAINED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH:

SECTION 1. Title 16 of the Kenai Peninsula Borough Code of Ordinances is amended by adding a new chapter 16.20, which shall read as follows:

Chapter 16.20. GREATER KACHEMAK VOLUNTEER FIRE AND EMERGENCY

for
of
this

COMMISSION
RECOMMENDS

Homer limit annex plans

■ **REPORT:** City wants 25 square miles; state officials suggest three.

By TOM KIZZIA
Anchorage Daily News

HOMER — State officials recommended Friday that Homer be allowed to annex three square miles of housing and commercial strip development on the edge of town, but not the entire 25 square miles sought by the city.

Homer's effort to sweep the surrounding semi-rural area into its city limits has rolled politics here for nearly two years. The controversy has also prompted the state to write new rules increasing public participation in future annexation proposals.

The long-awaited preliminary staff recommendation of the state's Local Boundary Commission is a key step in the Homer annexation process. But there will be more hurdles, including public hearings in December and a decision by the full commission, whose members are appointed by the governor. The Legislature has 45 days to decide whether to overturn the final decision.

The new staff report recommends a "conservative approach" for now and a wide-ranging discussion among Homer area residents about further changes.

The 3.3-square-mile recommendation draws in the houses of Skyline Drive behind town and some road frontage east and west of town. It includes most of the commercial development and some of the more heavily settled subdivisions just outside the city limits, a summary said.

Some 875 people would be included in the compromise, compared to 2,700 in the original annexation proposal. The current city of Homer has about 4,000 residents.

"I can't disagree with any of the areas they've recommended," said Homer City Manager Ron Drathman, who has spearheaded the city's propos-

See Page B-7, HOMER

2001- Oct 6-11
Anchorage Daily News



A bull moose travels through South Anchorage recently with two cows, impress possible mates as breeding season reaches its peak.

The

Breeding season peaks for local moose

By PETER PORICO
Anchorage Daily News

It's natural, it's powerful and it's stinky. It is the annual mating game known as the rut, and Alaska moose by the thousands are in the heat of it. The season has probably peaked; in normal years, rut comes to a close by Oct. 5 or 6, said Ted Spraker, Alaska Department of Fish and Game biologist for the Kenai Peninsula. Tonight could be it for local bulls and cows.

The ritual is exquisitely synchronized toward a single goal: a new crop of calves born next May 27, give or take a few days, Spraker said.

For weeks, the bulls and cows have been acting not so differently than lonely hearts at a singles bar, sending and responding to chemical and visual signals that essentially say, "I'm sexy, don't you think?"

The drama has been playing out for several weeks all across the Anchorage Bowl, in the Chugach foothills, in wooded areas and some city parks, even in some urban Anchorage neighborhoods.

Bull moose are trying to herd harems of cows, taking the measure of each other by thrashing trees

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HOMER: Recommendation falls short of city plan

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al. He said he wants to see the entire 400-page recommendation, due out next week, to see why the staff excluded some areas sought by the city.

"We were looking at a 20-year plan to begin with and figuring out where we were going," Drathman said.

Opponents of annexation said it's too late for compromise on this proposal. The city should scrap the whole thing and start over, this time bringing people outside the city limits into the discussion, they said.

"We're not willing to compromise, but this is what we expected them to come up with," said Abigail Fuller, a spokeswoman with Citizens Concerned About Annexation. "This shouldn't go through at all because of the way it was handled. The city has been so obnoxious."

The state's new annexation rules, written by the Local Boundary Commission and awaiting final adoption, would require a municipal government to develop a detailed plan, including discussion of how it would affect noncity residents, and then hold public hearings before submitting the proposal to the state.

In Homer's case, a quick City Council vote in March 2000 set in motion a formal effort to annex 25 square miles of territory.

The decision was up to the Local Boundary Commission, with the Legislature having the final say.

City officials said thousands of area residents were relying on city services such as the fire department but not

paying taxes.

Residents of the outlying area were stunned to learn that they wouldn't get a chance to vote on the question. Many complained that moving the city limits would subject them to stiffer regulation and higher taxes.

The city's pitch to the state was based in part on confidential internal memos from city department heads. Opponents challenged the city's estimates and went to court seeking those internal memos.

In a public-records decision with implications beyond the immediate annexation issue, a Superior Court judge ruled that city officials have the same privacy shield for decision-making documents as the governor.

That case has been appealed to the state Supreme Court.

"They do seem to accept the city's numbers, which we question," Fuller said Friday of the staff recommendation.

The controversy brought picketers to city hall and raucous anti-annexation floats to the local Winter Carnival parade. It also prompted voters outside city limits last year to form a new fire service area, which uses a small property tax to pay the city for improved fire and ambulance help.

Outside the city, where residents are part of the Kenai Peninsula Borough, peo-

ple pay a 2 percent sales tax compared to a 5.5 percent tax in the city. The property tax is 2.75 mills higher in the city, said Drathman. One mill amounts to \$100 a year per \$100,000 in home or other property value.

The boundary commission staff said the smaller annexation would mean a net gain to the city from taxes of \$588,000, some of which would be earmarked for roads and utilities. The rest could be used to lower city property taxes, the staff said.

The state staff also felt future discussions should not ignore Kachemak City, a small fourth-class city east of Homer that would have become a surrounded enclave, Andorra-like, under Homer's original proposal.

"It would have stirred things up even more, but this is an issue that needs to be dealt with," said Dan Bockhorst of the commission's staff.

Reporter Tom Kizza can be reached at tkizza@edn.com or at 907-225-4244.



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